

SIDEWALK CAFÉ ENCROACHMENT PERMIT

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	APPLICATION NO.
DATE RECEIVED:	BUSINESS NAME:
APN:	
JOB SITE ADDRESS:	BUSINESS REGISTRATION NO:
PROPERTY OWNER INFORMATION:	BUSINESS OWNER INFORMATION:
NAME	CONTACT NAME
MAILING ADDRESS	MAILING ADDRESS
CITY, STATE, ZIP CODE	CITY, STATE, ZIP CODE
TELEPHONE NO.	TELEPHONE NO.
DESCRIPTIO	N OF WORK TO BE DONE:
NUMBER OF TABLES:	NUMBER OF CHAIRS:
OTHER:	
Required City Staff Approvals: Business registration verified:	Planning approval: ☐ Fire Prevention approval: ☐
Proof of Insurance	Permit Issued By:
Coverage: \$	Oignature Bate
Company: Policy No.: Expiration Date:	Permit Fees:

SIDEWALK CAFÉ ENCROACHMENT PERMIT PROCEDURE

- 1. A completed application and site plan is to be submitted to the Engineering Services Department for review and approval. Prior to permit issuance the business registration and liability insurance must be verified. Applicable fees must be paid at the time of application.
- 2. The Engineering Department will route the application to the Planning & Building Department and Fire Department for review and approval of application. Site plan must meet and maintain Encinitas Municipal Code requirements and comply with the Sidewalk Café Policy.
- 3. Upon permit issuance an inspection of the site, ensuring compliance with permit conditions and site plan, will occur. After the initial inspection the site may be inspected randomly throughout the year.

Notes to Permittee:

- Permit term will be limited to dates insurance is valid.
- Violations, including lack of permit or an invalid permit, may subject the permittee to a double fee assessment. Please ensure insurance is kept valid and an up to date copy is on file with the city at all times
- A-frame promotional signage requires a separate encroachment permit.
- Permit is subject to the terms of the attached Sidewalk Café Encroachment Permit conditions.

<u>Hold Harmless Statement:</u> By its signature below, Permittee agrees to hold harmless and indemnify the City of Encinitas, its elected officials and employees from any and all liability, property damage, bodily injury, and claims, including violations of the Americans with Disabilities Act and other applicable State and Federal accessibility regulations, and reasonable attorneys' fees for defense resulting from their operation under the Sidewalk Café Encroachment Permit.

I have reviewed and agree to comply with the above terms and conditions of this Encroachment Permit. Signature of Property Owner/Tenant Date Print Name Title Planning and Building Department: **Fire Prevention Department:** Site Plan/Application approved by: Site Plan/Application approved by: Signature Date Signature Date **Print Name** Print Name Title Title

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SIDEWALK CAFÉ ENCROACHMENT PERMIT PROCEDURE

Bus	sine	ess Name: Appl	cation No.:			
1.	ren	nis Sidewalk Café Encroachment Permit shall expire on newals must be submitted on or before April 1, or thall is closed April 1.				
2.	The operation of the sidewalk café shall comply with the City of Encinitas Sidewalk Café Policy and all other appropriate provisions of the Encinitas Municipal Code, including sign regulations.					
3.		The operation of the sidewalk cafe shall meet applicable requirements of the San Diego County Department of Environmental Health.				
4.	The pedestrian pathway must remain at least five (5) feet in width with free and clear passage for pedestrians at all times. The pedestrian pathway must exclude planter areas, fire hydrants, street lights, other street furniture, two (2) feet from the face of the curb for on-street auto parking overhang and door-opening area, and area for any approved A-frame signage. A plaque stating "A 5 FOOT WIDE CLEAR PATH MUST BE MAINTAINED ON SIDEWALK AT ALL TIMES" shall be posted in an unobstructed location at the front of establishment with the sidewalk café.					
5.	The area of the sidewalk cafe shall not remove any required parking areas and the cafe area shall not block access to the property or surrounding areas.					
6.	The	The hours of operation of the sidewalk café shall be limited to:				
		The hours of operation of the associated eating and	drinking establishme	ent.		
		M to N	1			
7.	The sidewalk cafe must be reviewed by and found to meet the standards of the Encinitas Fire Marshal relative to access and flammability.					
8.	Tables, furniture, heaters, café equipment, menu boards, etc. shall be located as shown on the approved site plan and shall not deviate from the depicted locations without an approved modification to the Sidewalk Dining Encroachment Permit.					
9.		ne sidewalk café shall be limited to tables are proved site plan.	nd chairs are	approved as shown on the		
10.	The sidewalk café service area, tables, chairs, and other furniture and equipment shall not extend beyond the width of the associated establishment. Additionally (checked options apply):					
		The sidewalk café service area, tables, chairs, and more than five (5) feet from the property line where time shall any table, chair, or other piece of furniture curb. (For areas along South Coast Highway 101 from property line to curb.)	e the associated esta e or restaurant/café e	ablishment is located. At no quipment be placed near the		
		The sidewalk café service area, tables, chairs, furn as depicted on the approved sidewalk café site plan shown on the approved sidewalk café site plan. (Fithe sidewalk is adjacent to the property line but no curb, and for lettered side streets and Second Sthroughout the City.)	n. These items shall for areas along Sout t improved for the fu	not be located other than as h Coast Highway 101 where ill width from property line to		
		In no case shall any sidewalk café table, chair, or two (2) feet from the face of the curb. (For are sidewalk is adjacent to the property line but not important to the proper	as along South Coa	ast Highway 101 where the		
11.	As	sidewalk café may be allowed one (1) menu board su	bject to the following:			

- a. The menu board shall be limited to five (5) feet in height.
- b. The menu board shall be limited to three (3) square feet in area.
- c. The menu board shall not be specifically illuminated with any type of illumination, internal or external.
- d. The menu board shall be portable, self-supporting and stable, and weighted or constructed to withstand overturning by wind or contact.
- e. The menu board shall be located within the approved sidewalk café encroachment area.
- f. The location of the menu board shall be clearly shown on the approved site plan for the sidewalk café.
- 12. Any freestanding heaters, canopies, awnings, umbrellas, or similar structures for the sidewalk café shall maintain a minimum vertical distance of seven (7) feet from the sidewalk surface.
- 13. No sound amplification device, musical instrument or sound reproduction device shall be operated or used with the sidewalk cafe.
- 14. Outdoor lighting for sidewalk café areas shall not have a measured light standard in excess of one foot-candle at the edge of the curbline or beyond the width of the establishment with which the sidewalk café area is associated. Outdoor lighting fixtures shall be fully shielded so as to cause all emitted sustained light to be projected below an imaginary horizontal plane passing through the lowest point of the luminary, lamp or light source used in the fixture.
- 15. In accordance with Section 9.28 of the Encinitas Municipal Code, no service or consumption of alcoholic beverages shall be allowed on the public right-of-way, including any sidewalk café establishments.
- 16. Storage of tables, chairs, or other furniture or equipment on the public right-of-way or visible therefrom shall be prohibited. All tables, chairs, and other furniture and equipment shall be stored inside when the associated establishment is not open for business, or preparing/closing down for the day.
- 17. A liability insurance policy for the sidewalk café establishment naming the City as additionally insured for \$1,000,000 shall be maintained at all times, a copy of which shall be kept on file with the Permit at the City. The term of the Sidewalk Café Encroachment Permit shall be limited to the dates that the liability insurance is valid.
- 18. After initial inspection, the site will be inspected randomly at least one time per year.
- 19. Violations, including no permit or an invalid permit, may subject the permittee to a double fee assessment.
- 20. In the event of noncompliance, the City will steps to enforce the requirements as follows:
 - a. Inspect the site; write and deliver a Stop/Correct Work Notice.
 - b. If no effort is made to comply within 24 hours: Mail and hand deliver a written Notice of Intent to Revoke Encroachment Permit to permittee, setting forth a date and time within 48 hours of the Notice upon which the Sidewalk Dining Encroachment Permit will become invalid if the encroachment infraction is not corrected.
 - c. If two or more Stop/Correct Work Notices have been issued within the past 30 days, or if no effort is made to comply by the prescribed date: Revoke the permit and remove any and all sidewalk obstructions and encroachments. Removed items will be stored for 30 days and then discarded unless retrieved by the permittee.
 - d. If an encroachment permit is revoked, an encroachment permit shall not be issued for the same property for a period of one year.
 - e. Revocation of Sidewalk Café Encroachment Permit may be appealed to the City Council within 15 days of the date of revocation. Appeals will be considered by the City Council pursuant to Chapter 1.12 of the Municipal Code.